

JUDICIAL NOTICE

COMES NOW THE MOVANT, Arieta Yamaguchi, a non-citizen National of the U.S; presenting the following Judicial Notice attached to Motion Form to this Honorable Court:

This Honorable Court shall take judicial notice that the Movant is entitled to know the findings and conclusions on all issues of facts, law, or discretion presented on the Record.

FEDERAL MARITIME COMMISSION v. SOUTH CAROLINA PORTS AUTHORITY et al., certiorari to the United States Court of Appeals for the Fourth Circuit.

No. 01-46. Argued February 25, 2002-Decided May 28, 2002:

"Beyond the similarities between the role of an ALJ and that of a trial judge, this Court also noted the numerous common features shared by administrative adjudication and judicial proceedings:

"[F]ederal administrative law requires that agency's adjudication contains many of the same safeguards as are available in the judicial process.

The proceedings are adversary in nature. They are conducted before a tier of facts insulated from political influence.

A party is entitled to present his/her case oral or documentary evidence, and the transcript of testimony and exhibits together with the pleadings constitutes the exclusive record for decision.

"Decision is void on the face of the judgment roll when from four corners of that roll, it may be determined that at least one of the three elements of jurisdiction was absent:

(1) jurisdiction over parties.

(2) jurisdiction over subject matter, or

(3) jurisdictional power to pronounce particular judgment that was rendered".

B&C INVESTMENT, INC. v. F&M Nat. BANK & TRUST, 903 P.2d 339 (Okla. App. Div. 3, 1995).

"...jurisdiction of the Courts of the United States means a law providing in terms of revenue; that is to say, a law which is directly traceable to the power granted to Congress by Article 1, of the Constitution, 'to lay and collect taxes, duties, imposts, and excises'".

U.S. v. HILL, 123 US 681, 686 (1887).

"Void Order which is one entered by Court which lacks jurisdiction over parties or subject matter, or lack inherent power to enter judgment, or Order procured by fraud can be attacked at any time, in any Court, either directly or collaterally provided that party is properly before Court".

People ex rel. Brzica v. Village of Lake Barrington, 644 N.E.2d 66 (Ill. App. 2 Dist. 1994)

"Void Judgment is one which has no legal force or effect whatever, it is an absolute nullity, its invalidity may be asserted by any person whose rights are affected collaterally whenever and wherever it is interposed.

City of Lufkin v. Mcvicker, 510 S.W.2d 141 (Tex. Civ. App. - Beaumont 1973).

"A 'void' judgment, as we all know, grounds no rights, forms no defense to action taken thereunder, and is vulnerable to any manner of collateral attack.

No statute of limitations or repose runs on its holdings, the matter thought to be settled thereby are not res judicata, and years later, when the memories may have grown dim and rights long been regarded as vested, any disgruntled litigant may reopen the old wound and once again probe its depths. And it is then as though trial and adjudication had never been".

"A VOID JUDGMENT MUST BE SET ASIDE AS A MATTER OF LAW "

"Judgment entered where Court lacked either subject matter or personal jurisdiction or that were otherwise entered in violation of Due Process of Law, must be set aside".

Jaffe and Asher v. Van Brunt, S.D.N.Y. 1994, 158 F.R.D 278.

This Honorable Court is bound to answer the jurisdictional challenge and to place the challenge and response on the Record.

In Hagans v. Lavine, 415 US 528, at 533, 94 S.Ct. 1372 (N.Y. March 28, 1974)

The Supreme Court ruled that when jurisdiction is challenge, it must be proven, and that the law requires proof of jurisdiction to appear on the proceedings.

In other words, jurisdiction may never be assumed, it must be proven.

State of Maine v. Thiboutot, 448 U.S 1, 100 S.Ct. 2502 (1980)

The Court Ruled that once jurisdiction is challenge, it cannot be assumed, but must be decided.

Movant, hereby challenge the personal and subject matter jurisdiction of this Honorable Court's Rulings and Findings in the convictions and sentencing of Movant and Co-Defendant in case No. Cr.No.02-00552 DAE/TSZ as being void from the beginning with no legal force or effect.

Such Challenge is Directed at the violation of DUE PROCESS OF LAW, violation of Rights GUARANTEED UNDER CONSTITUTION'S BILL OF RIGHTS, and violation of Movant's Citizenship Status as Non-Citizen National of the United States, Due to the IN-APPLICABILITY OF THE CONSTITUTION'S FIFTH; SIXTH; and SEVEN AMMENDMENTS/applying All Motion's Grounds and facts herein:

IMMIGRATION LAW; UNDER CITIZENSHIP & NATIONALITY BY: MATTEW BENDER; American Samoa and Swains Island; citizenship & nationality §34.03(2)(c), Id §92.04(7).

American Samoa, including Swains Island, has never been incorporated into the United States, and the citizenship of jus soli does not apply.

Persons born in American Samoa and Swains Island, who are not otherwise citizens of the United States, are non-citizen nationals of the United States.

IN TORRES v. PUERTO RICO (1979) 442 US 465, 99 S.Ct.2425:

Congress may make constitutional provisions applicable to Territories in which they would not otherwise be controlling, and because of limitation on application of Federal Constitution in an un-incorporated territories is based in part on need to preserve Congress' ability to govern such possessions, and may overruled by Congress legislative determination that Constitutional provision practically and beneficially may be implemented in territory is entitled to great weight.

Wherefore, I, the Movant, Arieta Yamaguchi a non-fictional private individual, present this Judicial Notice to this Honorable Court, in the Judicial District of Hawaii, attaching this Judicial Notice to Motion and Bound this Honorable Court by Requesting My lawful liberty in Removing Me from all Detainment/for Court to find all Relief To Which I am Entitled.

" I Declare by the Laws of the United States 28 U.S.C. §1746 (2), under Penalty of Perjury that the foregoing is true and correct to the best of My knowledge and belief. ~~Secure~~

Executed on this 5th day of June 2008, at Dublin, California.

By: Arieta Yamaguchi
Movant